



Sadao FUJII et al.

Title: TRANSPARENT FILM
Appl. No.: 09/869,864
Filing Date: 08/28/2001
Examiner: P. Hampton Hightower
Art Unit: 1711

SUBMISSION UNDER 37 C.F.R. § 1.114(c)

MAIL STOP RCE

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The instant application has been withdrawn from issue for consideration of the concurrently filed Information Disclosure Statement citing references from a search report received in a corresponding PCT application.

In addition, Applicants note an error in the Remarks section of the Reply filed February 21, 2003. In the Remarks, it was stated that JP '240 did not qualify as § 102(b) art because the instant application had the benefit of priority of several Japanese applications. Under § 102(b), a reference qualifies as prior art if "the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States." However, under § 363 the effective date of an international application designating the United States is the international filing date. JP '240 was published (March 21, 2000) less than a year before the international filing date of the present application (November 10, 2000). Thus, JP '240 does not qualify as prior art under 35 U.S.C. § 102(b).

Conclusion

In view of the above, applicants respectfully submit that all of the pending claims are in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

Date August 13, 2003

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.